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VIA ELECTRONIC FILING

Federal Communications Commission
445 12th Street SW, CY-A257
Washington, DC 20554

**Re: Acceleration of Broadband Deployment by
Improving Wireless Facilities Siting Policies,
Docket No. FCC 13-122**

Dear Members of the Commission:

I write as the Chairman of, and at the direction of, the Planning Board of the Borough of Haddon Heights, New Jersey. The Planning Board is the unified land use board created pursuant to New Jersey's Municipal Land Use Law and handles all land use matters arising in the Borough. The Borough is an approximately 1.6 square mile town with a population of approximately 7,500, and is located in close proximity to Philadelphia. One of the Borough's signature points is its historic integrity; the Borough has a well-respected historic district that includes many structures that are over 100 years old. Even newer portions of the Borough are known for their quiet, tree-lined streets. The substantial majority of our land use is single family residential homes.

The Planning Board recognizes the proliferation of wireless communications and understands the need for a robust wireless infrastructure. That said, however, I write to address the Planning Board's concerns regarding the potential dilution of local land use authority that these proposed regulations might involve. We are particularly concerned with the proposed new Section 1.40001, Wireless Facility Modifications, in that it states that local land use authorities "shall approve" certain modifications to existing wireless towers.

The Planning Board carefully considers each and every application presented to it, and would do so with respect to any application presented by any party involved with a wireless tower. The Planning Board follows the mandates of the New Jersey Municipal Land Use Law in conducting its evaluation of any application, and only makes decisions following plenary hearings, on the record, and with public comment. In our view, providing that a municipality "shall approve" an application that may contradict the municipality's master plan, land use policies, or exclude public comment from the process would not be a favorable development.

We are also concerned that modifications to towers in connection with colocation may occur without land use agencies being able to review an engineering report relating to the tower.

Paragraph 150 of the Proposed Rule invites comment on the effect of the NPRM on local government land use decisions. We submit that, if the Commission is inclined to adopt a rule that would limit local government's ability to regulate or evaluate applications for wireless towers, that at the very least the Commission adopt its own suggestion that a transition period be provided in order to allow state and local government agencies to address, by ordinance, procedures to handle compliance with Section 6409(a) of the Spectrum Act. Moreover, we suggest that the Commission work closely with organizations that represent the interests of municipal governments (for example, the New Jersey League of Municipalities) to work on a model ordinance that towns can consider for implementation or modification. We also suggest that input from a diverse group of land use boards be solicited and considered in any collaborative process that the Commission and state or local representative agencies might engage in. Moreover, we urge that any proposal that is adopted ensure that the public still has a right to comment on any proposed expansion or modification of any facility, including wireless facilities.

To summarize, we respectfully request that the Commission ensure that local land use boards continue to maintain authority to ensure that all applications for development – not just wireless facilities – be evaluated for consistency with the town's master plan and zoning ordinances, and that the public continue to have a right to comment before any deviations from any existing land use plans or statutes are granted.

We thank the Commission for considering our comments, and would be happy to participate in any further dialogue on this subject.

Respectfully,



Christopher L. Soriano
Chairman

cc: The Hon. Robert Menendez, United States Senator
The Hon. Cory A. Booker, United States Senator
The Hon. Robert E. Andrews, United States Representative
Members of the Planning Board
Mayor and Council of the Borough of Haddon Heights
Donald S. Ryan, Esq., Planning Board Solicitor
Steven M. Bach, P.E., Borough Planner